

**Remarks**

**I. Restriction Requirement**

In the above referenced Office Action, the Examiner divided the claims into the following groups:

Group I. Claims 1-48 and 71, drawn to a method for transferring a nucleic acid into a cell, producing a plant, and the produced plant produced by said method; and

Group II. Claims 49-70, drawn to an apparatus comprising a section for holding the cell under pressure different from an atmospheric pressure and a section for electroporation.

In response, Applicants elect to begin prosecution with examination of claim Group I, claims 1-48 and 71, without traverse. Non-elected claims 49-70 are cancelled. A Petition for One-month Time Extension also accompanies this amendment extending the time for response to June 9, 2007.

Applicants reserve the right to file a divisional application directed to the non-elected claims of Group II.

**II. Amendments**

Non-elected claims 49-70 are canceled without prejudice.

No new matter is added by way of these amendments.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4300.

Respectfully submitted,

/Judy Mohr/

Judy M. Mohr

Registration No. 38,563

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Correspondence Address:  
Customer No. 22918